

**Riverside County Superior Court
Civil Mediation Panel
Qualifications and Requirements
Information Sheet**

Background: The Riverside County Superior Court has established a new Mandatory Mediation program and a new court-connected Civil Mediation Panel to handle court-ordered and other civil mediations. (Local Rule, Title 4; California Rules of Court, Rules 3.850 – 3.878). Litigants will have the choice of selecting and privately retaining a mediator from the Civil Mediation Panel or a mediator who is not affiliated with the panel.

Historically, the courts of the various counties of California have established their own standards for court-connected mediators. Courts have established varying education and experience requirements as conditions for participation on their respective mediation panels. Selection processes, time commitments, and compensation also vary from court to court.

Recently, the Judicial Council of California, Administrative Office of the Courts (AOC) has been considering the development of new Rules of Court to establish statewide “Qualification Standards for Mediators in Court-Connected Mediation Programs for Civil Cases.” Discussions continue with respect to the new standards though the preliminary proposals include forty (40) hours of mediation training; completion of a number of mediations; continuing eligibility requirements and references.

Some California courts have already implemented many of the proposed standards recognizing that, unlike the adjudicative and adversarial skills that attorneys and judges use to provide arbitration or settlement services, unique communication skills, not often taught in law school, are required for successful mediation. Further, mediators must keep abreast of specific rules, statutes, developing case law and ethical considerations that distinguish mediation from other forms of ADR.

In light of the growing trend toward the development of mediation as a primary ADR tool, the Riverside County Superior Court has implemented the following standards that are intended to establish a Civil Mediation Panel comprised of highly-skilled, well-educated, and dedicated attorney-mediators who may be privately retained to provide the best possible mediation services to the citizens of our county.

Qualifications and Requirements

1. **Bar Membership:** An applicant must be a member in good standing of the State Bar of California with at least five (5) years of legal practice experience in California.
2. **Mediation Training:** An applicant must
 - (a) have completed at least 40 hours of “Approved Mediation Training,” as defined below, within the past two years; OR
 - (b) have completed at least 40 hours of “Approved Mediation Training,” at any time and, within the past two (2) years, completed at least six (6) hours of continuing or advanced mediation training, including the topics listed in “Approved Mediation Training,” section 2G below; OR

(c) meet the “Alternative Qualification” standard (see section 4)

“Approved Mediation Training” means: A 40-hour mediation training in which at least 25 of the 40 hours of training are in the form of a single, comprehensive, mediation training program. The curriculum for this comprehensive training should include:

- (A) The history of dispute resolution as a problem-solving technique and its relationship to the traditional justice system.
- (B) Conflict, communication, and mediation theory; the wide range of mediation theories and techniques; and understanding the voluntary and consensual nature of participation in mediation.
- (C) Stages of the mediation process.
- (D) Mediation and communication skills and techniques including opening statements, caucuses, building trust, gathering facts, framing issues, dealing with emotions, breaking impasse, and building consensus.
- (E) Mediator roles and ethics, including dealing with attorneys, parties, and self-represented litigants.
- (F) Demonstrations of mediation and role-playing.

The 40 hours of mediation training should include the following topics, either within the 25 hours of a single comprehensive training or in separate, shorter training programs:

- (G) The statutes, Rules of Court, and case law governing mediation, including mediation confidentiality and settlement agreements, and trends in post-mediation litigation. This training must be specific to California law.
- (H) Cultural and gender issues in mediation.
- (I) Mediated settlement agreements.

Applicants may contact the Court’s ADR Director for further information about Approved Mediation Programs.

3. **Mediation Experience:** Applicants must describe their mediation experience, but no set number of mediations is required before the applicant has completed mediation training. However, after completing the 40 hours of mediation training, a mediator applicant must have

- (a) observed at least one (1) mediation of at least two hours in length conducted by mediators on a court mediation panel in California AND
- (b) mediated or co-mediated at least two (2) mediations of at least two (2) hours in length.

Applicants may contact the Court’s ADR Director for assistance in arranging observations and co-mediations.

4. **Alternative Qualification:** A person who does not meet all program requirements may still qualify for the Civil Mediation Panel by, within six months of the effective date of this program, completing an application to the court

demonstrating satisfactory evidence of sufficient education, training, skills, and experience to serve on the Panel, including but not limited to:

- (a) A minimum of 10 years of active California Bar membership;
- (b) A significant number of complex mediations; and
- (c) Within the past two (2) years, at least six (6) hours of continuing or advanced mediation training including the matters specified in section 2G, above.

5. **References:** An applicant must submit references or evaluations from at least two (2) individuals with personal knowledge of the applicant's mediation skills. References to skills as a temporary judge, arbitrator, settlement attorney/judge, or referee will be considered but do not fulfill this requirement.

6. **Program orientation:** Civil Mediation Panelists must complete an orientation sponsored by the court concerning its Civil Mediation program and policies.

7. **Continuing Eligibility Requirements:** To continue to be included on the Civil Mediation Panel, a mediator must:

- (a) Comply with all applicable ethics requirements, Rules of Court, Local Rules and Civil Mediation Panel Policies;
- (b) Every year, complete at least three (3) hours of continuing mediation education or training. At least one hour must address mediator ethics or the matters described in section 2G, above;
- (c) Mediate at least three (3) cases in the court's Mandatory Mediation program per year pursuant to the compensation policies for that program. This provides continuing mediation experience to panelists and valuable service to the court;
- (d) Provide, for the Civil Mediation Panel list, a resume that includes substantive areas of legal practice; mediation training and experience; mediation style(s), and the mediator's fees and fee policies.
- (e) Either (1) obtain and maintain insurance covering services as a mediator and name the Superior Court as an additional insured; or (2) waive any and all claims against the Superior Court in connection with mediating court-referred mediations and to indemnify and hold the court harmless.

8. **All applications will be reviewed by the Court's ADR Committee.**

9. **Privilege to serve as a Civil Mediation Panelist**

Inclusion on a court list of ADR neutrals and eligibility to be recommended, appointed, or compensated by the court to serve as a neutral are privileges that are revocable and confer no vested right on the neutral.

If you are interested in joining the Court's Civil Mediation Panel, please download the Application form at www.riverside.courts.ca.gov/adr/adr.htm or contact Barrie J. Roberts, the Court's ADR Director, for assistance: 951- 955-5391 or barrie.roberts@riverside.courts